

EXHIBIT 4

Bottini, Aishlinn

To: Bottini, Aishlinn
Subject: RE: Nostrand

From: Jeffrey Simpson <jsimpson@archcre.com>
Sent: Tuesday, August 1, 2023 11:14 PM
To: Kevin Wiener <kwiener@35oak.com>
Cc: Michael Wiener <MWiener@35oak.com>; Jared Chassen <jchassen@archcre.com>; fvanbiesen <fvanbiesen@35oak.com>; Charles Dreezer <cdreezer@35oak.com>; Tristan Last <tlast@archcre.com>; Lavender, Brad <Brad.Lavender@haynesboone.com>; Len Breslow <LBreslow@breslowwalker.com>; Michelle Miller <mmiller@archcre.com>; Thorne, Leslie <Leslie.Thorne@haynesboone.com>; Silberstein, Andrew <Andrew.Silberstein@haynesboone.com>
Subject: Re: Nostrand

EXTERNAL: Sent from outside Haynes and Boone, LLP

You cannot hold us personally responsible for shit, so stop with the nonsense and the threats. Dare to threaten me personal again and it'll be the last conversation I ever have with you.

You're only hope to getting through this stuff is me so stop fighting me and listen to what I'm telling you.

You have been involved in work that I've done for 20 years for about two weeks, so know your place and stand down.

And you have no right to tell me what is negotiable and non negotiable as you still are the investor member and nothing else.

Keep copying lawyers and think that will help you, It's just more bills for you to pay.

Again, you were entered into a funding relationship without having the cash to support it so lets understand the facts, you are illiquid and insolvent. Markets change, and your father entered this relationship with us as capital preservation / long-term, not fly by the seat of our pants because interest rates went up and you are out of money.

No need to write back because I'm not responding to you further.

PS - just because you called me three times doesn't mean I have to respond to you in the hours that you asked for it because you're another spoiled child like your brother. And for the record, Jared did call you. Call me when you when you grow up and then there is a conversation.

JEFFREY SIMPSON
Managing Partner | Arch Companies
D 646.854.6810 | C 646.753.2872
jsimpson@archcre.com | archcorealestate.com
88 University Place, 11th Floor, New York, NY 10003

Sent from my iPhone

On Aug 1, 2023, at 10:13 PM, Kevin Wiener <kwiener@35oak.com> wrote:

Jeff you started screaming and swearing at us, said the meeting was over, hung up the phone, and instructed counsel (to whom we are a joint client) that he was not to talk to us.

That is the opposite of being "ready and willing to have a call."

I then attempted to speak to you to try to get you back on the call and you ignored my calls and texts. Whether or not Charles was wrong for interrupting you (and he did attempt to apologize but by then you had left the call), that was not an appropriate way to react. You cannot ask us for millions of dollars in financing and then scream and swear at us every time you believe you have been slighted. There is an appropriate way to deal with interpersonal issues.

I could not make the 6pm time because I already had a scheduled call. I cannot make 7:30 tomorrow because I am flying back from an out of country trip and my plane lands at 7:30 and then I need to go through customs and actually get somewhere I can take a call.

We were willing to do 10pm even though it's late for all of us because we're sensitive to the need to make a decision quickly, but unfortunately that ship appears to have sailed.

But let me be clear: you do not decide when we have enough information to give our go-ahead for a major decision strategy that we will have to fund. We decide when we have enough information to spend our money.

You also do not decide whether we get to talk to the lawyers who jointly represent us as guarantors and whose bills we are paying for. The end result of you giving our lawyers the wholly unreasonable instruction that they are not allowed to talk to us without your permission, and then not granting that permission, will be that those lawyers have a conflict of interest and will have to withdraw at a minimum from Nostrand and possibly from all Arch files. You may want to have a discussion with Len about what that would mean for our ability to declare a cause event and for your personal liability.

I do not know why you seem insistent on making every decision a game of chicken. I would much rather us work together collaboratively as I have repeatedly said. If we put aside personality conflicts I'm sure we can chart a way forward that meets everyone's needs. But that means if you have a concern or a disagreement that you be willing to discuss it openly and in good faith to try to reach an agreement rather than making blanket refusals or threats.

We would like to have the call with David as soon as possible. Since there's no availability tomorrow then the call will need to happen on Thursday. But unfortunately having this conversation with David is a non-negotiable prerequisite for us providing additional funding to this property, and we will hold JJ and you personally liable for any losses we thereby suffer.

I have removed David from this email conversation so that we can work this out before looping him back in. We will await confirmation of your instructions to David to reschedule the call. I've asked my team to send their questions to me to reduce the potential of any further issues. If an issue does develop with a member of our team I am always happy to talk with you one on one to try to resolve it; it is unfortunate we were unable to do that today.

Kevin

Sent from my Galaxy

----- Original message -----

From: Jeffrey Simpson <jsimpson@archcre.com>

Date: 2023-08-01 5:36 p.m. (GMT-08:00)

To: Michael Wiener <MWiener@35OAK.com>

Cc: Kevin Wiener <kwiener@35oak.com>, "Y. David Scharf" <dscharf@morrisoncohen.com> ,

Jared Chassen <jchassen@archcre.com>, Conferenece Line 1078 <1078@archcre.com>, Frank

van Biesen <fvanbiesen@35OAK.com>, Charles Dreezer <cdreezer@35oak.com>, Tristan Last

<tlast@archcre.com>, "Pollack, Gayle" <gpollack@morrisoncohen.com>

Subject: Re: Nostrand

EXTERNAL

[EXTERNAL EMAIL]

No, and no.

10 PM is an unreasonable time when we were ready willing and able to have a call at 2 PM when your guy was a dick like usual. Then 6 PM is offered or tomorrow morning . Talk about sense of urgency, David told me has gone through all these parts and pieces with Brad, so this is just a waste of time. So no, appeasing your needs when you've been informed, at 10 PM, is not something I'm willing to do for my own sanity. Have a good night.

JEFFREY SIMPSON

Managing Partner | Arch Companies

D 646.854.6810 | C 646.753.2872

jsimpson@archcre.com | archcorealestate.com

88 University Place, 11th Floor, New York, NY 10003

Sent from my iPhone

On Aug 1, 2023, at 8:31 PM, Michael Wiener <MWiener@35oak.com> wrote:

Given the time sensitivity, maybe someone from the Arch team can join so we can go ahead with the call?

Alternatively would you object to us having a call directly with David in our capacity as guarantor so that we can ask him questions directly?

Thanks,

From: jsimpson@archcre.com
Sent: August 1, 2023 8:23 PM
To: MWiener@35OAK.com
Cc: kwiener@35oak.com; dscharf@morrisoncohen.com; jchassen@archcre.com; 1078@archcre.com; fvanbiesen@35OAK.com; cdreezer@35oak.com; tlast@archcre.com; gpollack@morrisoncohen.com
Subject: Re: Nostrand

EXTERNAL

[EXTERNAL EMAIL]

No thanks

JEFFREY SIMPSON
Managing Partner | Arch Companies
D 646.854.6810 | C 646.753.2872
jsimpson@archcre.com | archcorealestate.com
88 University Place, 11th Floor, New York, NY 10003

Sent from my iPhone

On Aug 1, 2023, at 8:22 PM, Michael Wiener
<MWiener@35oak.com> wrote:

We on for 10pm?

From: MWiener@35OAK.com
Sent: August 1, 2023 7:13 PM
To: kwiener@35oak.com; dscharf@morrisoncohen.com; jchassen@archcre.com
Cc: 1078@archcre.com; fvanbiesen@35OAK.com; cdreezer@35oak.com; tlast@archcre.com; gpollack@morrisoncohen.com; jsimpson@archcre.com
Subject: Re: Nostrand

Works for me

From: kwiener@35oak.com
Sent: August 1, 2023 7:08 PM
To: dscharf@morrisoncohen.com; MWiener@35OAK.com; jchassen@archcre.com
Cc: 1078@archcre.com; fvanbiesen@35OAK.com; cdreezer@35oak.com; tlast@archcre.com; gpollack@morrisoncohen.com; jsimpson@archcre.com
Subject: RE: Nostrand

I can do that

Sent from my Galaxy

----- Original message -----

From: "Y. David Scharf" <dscharf@morrisoncohen.com>
Date: 2023-08-01 4:04 p.m. (GMT-08:00)
To: Michael Wiener <MWiener@35OAK.com>, Kevin Wiener <kwiener@35oak.com>, Jared Chassen <jchassen@archcre.com>
Cc: Conferenece Line 1078 <1078@archcre.com>, Frank van Biesen <fvanbiesen@35OAK.com>, Charles Dreezer <cdreezer@35oak.com>, Tristan Last <tlast@archcre.com>, "Pollack, Gayle" <gpollack@morrisoncohen.com>, Jeffrey Simpson <jsimpson@archcre.com>
Subject: RE: Nostrand

EXTERNAL

[EXTERNAL EMAIL]

10 pm?

Y. David Scharf

Chair and Co-Managing Partner

T: 212.735.8604 | C: 917.754.0484 | F: 917.522.3104

dscharf@morrisoncohen.com

[vCard](#) | [Bio](#) | [LinkedIn](#)

Morrison Cohen LLP

909 Third Avenue

27th Floor

New York, NY 10022

www.morrisoncohen.com

From: Michael Wiener <MWiener@35OAK.com>
Sent: Tuesday, August 1, 2023 7:01 PM
To: Y. David Scharf <dscharf@morrisoncohen.com>; Kevin Wiener <kwiener@35oak.com>; Jared Chassen <jchassen@archcre.com>
Cc: Conferenece Line 1078 <1078@archcre.com>; Frank van Biesen <fvanbiesen@35OAK.com>; Charles Dreezer <cdreezer@35oak.com>; Tristan Last <tlast@archcre.com>; Pollack, Gayle <gpollack@morrisoncohen.com>; Jeffrey Simpson <jsimpson@archcre.com>
Subject: Re: Nostrand

CAUTION: External sender. Verify before continuing.

Do you have any availability tonight by chance?

From: dscharf@morrisoncohen.com
Sent: August 1, 2023 6:58 PM
To: kwiener@35oak.com; jchassen@archcre.com
Cc: 1078@archcre.com; fvanbiesen@35OAK.com; MWiener@35OAK.com; cdreezer@35oak.com; tlast@archcre.com; gpollack@morrisoncohen.com; jsimpson@archcre.com
Subject: RE: Nostrand

EXTERNAL

[EXTERNAL EMAIL]

I have witness prep all day. Can 730 am work?

Y. David Scharf

Chair and Co-Managing Partner

T: 212.735.8604 | C: 917.754.0484 | F: 917.522.3104

dscharf@morrisoncohen.com

[vCard](#) | [Bio](#) | [LinkedIn](#)

Morrison Cohen LLP

909 Third Avenue

27th Floor

New York, NY 10022

www.morrisoncohen.com

From: Kevin Wiener <kwiener@35oak.com>
Sent: Tuesday, August 1, 2023 3:34 PM
To: Y. David Scharf <dscharf@morrisoncohen.com>; Jared Chassen <jchassen@archcre.com>
Cc: Conferenece Line 1078 <1078@archcre.com>; Frank van Biesen <fvanbiesen@35OAK.com>; Michael Wiener <MWiener@35OAK.com>; Charles Dreezer <cdreezer@35oak.com>; Tristan Last <tlast@archcre.com>; Pollack, Gayle <gpollack@morrisoncohen.com>; Jeffrey Simpson <jsimpson@archcre.com>
Subject: RE: Nostrand

Unfortunately I can't do 6. What does tomorrow look like for everyone?

Sent from my Galaxy

----- Original message -----

From: "Y. David Scharf" <dscharf@morrisoncohen.com>
Date: 2023-08-01 12:13 p.m. (GMT-08:00)
To: Jared Chassen <jchassen@archcre.com>

Cc: Conferenece Line 1078 <1078@archcre.com>, Frank van Biesen <fvanbiesen@35OAK.com>, Michael Wiener <MWiener@35OAK.com>, Charles Dreezer <cdreezer@35oak.com>, Kevin Wiener <kwiener@35oak.com>, Tristan Last <tlast@archcre.com>, "Pollack, Gayle" <gpollack@morrisoncohen.com>, Jeffrey Simpson <jsimpson@archcre.com>
Subject: Re: Nostrand

EXTERNAL

[EXTERNAL EMAIL]

6 pm.

Y. David Scharf

Chair and Co-Managing Partner

T: 212.735.8604 | C: 917.754.0484 | F: 917.522.3104

dscharf@morrisoncohen.com

[vCard](#) | [Bio](#) | [LinkedIn](#)

Morrison Cohen LLP

[909 Third Avenue](#)

[27th Floor](#)

[New York, NY 10022](#)

www.morrisoncohen.com

On Aug 1, 2023, at 3:05 PM, Jared Chassen
<jchassen@archcre.com> wrote:

CAUTION: External sender. Verify before continuing.

I have spoken with both parties and we would like
to reconvene for a call.

David, when do you have availability?

Nostrand

Scheduled: Aug 1, 2023 at 2:00 PM to 2:30 PM,
EDT

Location: 646.854.1078

Invitees: Conferenece Line 1078, fvanbiesen,
Michael Wiener, Charles Dreezer, Kevin Wiener,
Tristan Last, Pollack, Gayle, Y. David Scharf,
Jeffrey Simpson

JARED CHASSEN

Partner | Arch Companies
D [646.854.1947](tel:646.854.1947) | C [646.634.9955](tel:646.634.9955)
jchassen@archcre.com | archcorealestate.com
15 West 27th Street, 6th Floor, New York, NY
10001

This transmittal and/or attachment (s) may be a confidential attorney-client communication or may otherwise be privileged or confidential. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this transmittal and/or attachment(s) in error, please notify us immediately by reply or by telephone (call us collect at 212-735-8600) and immediately delete this message and all of its attachments. Thank you. We take steps to remove metadata in attachments sent by email, and any remaining metadata should be presumed inadvertent and should not be viewed or used without our express permission. If you receive an attachment containing metadata, please notify the sender immediately and a replacement will be provided.

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

This transmittal and/or attachment (s) may be a confidential attorney-client communication or may otherwise be privileged or confidential. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this transmittal and/or attachment(s) in error, please notify us immediately by reply or by telephone (call us collect at 212-735-8600) and immediately delete this message and all of its attachments. Thank you. We take steps to remove metadata in attachments sent by email, and any remaining metadata should be presumed inadvertent and should not be viewed or used without our express permission. If you receive an attachment containing metadata, please notify the sender immediately and a replacement will be provided.

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>

This transmittal and/or attachment (s) may be a confidential attorney-client communication or may otherwise be privileged or confidential. If you are not the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution or copying of this transmittal is strictly prohibited. If you have received this transmittal and/or attachment(s) in error, please notify us immediately by reply or by telephone (call us collect at 212-735-8600) and immediately delete this message and all of its

attachments. Thank you. We take steps to remove metadata in attachments sent by email, and any remaining metadata should be presumed inadvertent and should not be viewed or used without our express permission. If you receive an attachment containing metadata, please notify the sender immediately and a replacement will be provided.

This email has been scanned for email related threats and delivered safely by Mimecast.
For more information please visit <http://www.mimecast.com>
